

EXHIBIT O

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
3 CHARLESTON DIVISION

9)
IN RE: ETHICON, INC.)
10 PELVIC REPAIR SYSTEM,)
PRODUCTS LIABILITY)
11 LITIGATION) MDL NO. 2327
_____)

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16 THIS DOCUMENT RELATES TO ALL CASES
17 CONFIDENTIAL - SUBJECT TO PROTECTIVE ORDER
18 VIDEOTAPED DEPOSITION OF:
19 PRICE ST. HILAIRE
20 VOLUME 1
21 Thursday, July 11, 2013; 10:14 a.m.

24 Reported By:
Cathy A. Wood, RMR, RPR
25 CSR No. 2825

1 instructions were appropriate, and I think that the
2 witness should answer as he sees fit. I don't think we
3 should waste any more time, though.

4 MR. SLATER: Hang on. You're instructing this
5 witness that if I ask him a direct, straightforward yes
6 or no question, that it's appropriate for him to give a
7 long, for example, sound bite or a talking point,
8 despite the fact that it's not responsive? You realize
9 that would be obstruction and a failure to answer
10 truthfully and accurately.

11 MS. SCALERA: First of all, Adam, I haven't
12 instructed the witness as to anything. Secondly, I just
13 wanted to counter your statement on the record. Just to
14 be clear.

15 BY MR. SLATER:

16 Q Mr. St. Hilaire, if I ask for a yes or no
17 answer, please either say yes, no or I can't answer with
18 a yes or no. And then the jury that watches this video
19 would decide if you were being credible when you said
20 you couldn't answer with a yes or no. Okay?

21 MS. SCALERA: Objection.

22 THE WITNESS: I will try my best.

23 BY MR. SLATER:

24 Q Thank you very much.

25 Okay. You worked at Ethicon Women's Health &

1 Urology from June 1999 to November 2008; correct?

2 A Yes.

3 Q You started as a sales representative in
4 June 1999 and held that position till February 2001;
5 correct?

6 A To the best of my recollection, yes.

7 Q What medical devices were you selling during
8 that time period?

9 A The suite of products included Thermachoice,
10 the Gynecare Morcellator, Versapoint, Interceed, TVT,
11 couple of other things that I really don't remember.

12 Q From July 2000 to February 2001 you were a
13 sales trainer; correct?

14 A To the best of my recollection.

15 Q From February of 2001 to December of 2001, you
16 were a sales training manager; correct?

17 A That sounds correct.

18 Q From December 2001 till August 2005 you were a
19 divisional sales manager within Ethicon; correct?

20 A That sounds correct.

21 Q What was your responsibility as a divisional
22 sales manager during that time?

23 A I had a team of sales representatives, and
24 functionally the role was to coach, train and develop
25 my sales team.

1 Q The role of the sales representatives in
2 Ethicon is to sell the devices that are within their
3 portfolio; correct?

4 A That's correct.

5 Q During the time period of December 2001 --
6 well, I'll come back to it, actually. Withdrawn.

7 Between August 2005 and November of 2007, you
8 were product director, marketing director worldwide
9 within Ethicon; correct?

10 A Best of my recollection, yes.

11 Q One of the things you did during that time
12 period was managed the continence health platform
13 product pipeline, that's something that's stated on your
14 resume. What does that mean?

15 A That means I manage the incontinence platform,
16 the products as well as during my tenure as the
17 marketing director worldwide, looking at next generation
18 or future projects.

19 Q During that period, did the pipeline include
20 the TVT Secur device?

21 A To the best of my recollection, I didn't -- I
22 didn't have that responsibility within my -- within
23 my -- within my purview.

24 Q What devices did you oversee in managing the
25 incontinence health platform product pipeline?

1 A So at the time, TVT, TVT-O was within -- was
2 within my span. And there were some other -- other
3 items that we were looking at from a future standpoint.
4 And honestly, I don't remember -- I don't remember.
5 It's been five, six years. I don't remember all the
6 projects that we were looking at from a future
7 standpoint.

8 Q Was one of the products you were looking at
9 from a future standpoint the TVT-Secur?

10 A To the best of my knowledge or my recollection,
11 TVT-Secur I think was either already in play or
12 launching or, you know, to the best of my recollection.
13 I didn't have personal responsibility for Secur.

14 Q Did you have personal responsibility for the
15 TVT device between August 2005 and November 2007?

16 A Depending on when that was, earlier on when I
17 was a product director, I managed a couple of products.
18 I managed a urodynamic device, and I managed TVT.

19 Q During what period of time did you manage TVT
20 as a product director in Ethicon?

21 A To the best of my recollection, sometime in --
22 sometime in either late 2005 or 2006. I don't -- I
23 really -- it's hard to -- to really give you a firm date
24 and time of when I had it, but it was within my
25 responsibility early on as a product director.

1 Q Was that the beginning of your responsibility
2 to manage TVT -- I mean I want to know the span.

3 A Sure.

4 Q When did you start, when did you end managing
5 TVT?

6 A So when I went into marketing, I started
7 managing Monitorr which is a urodynamic device, and then
8 if I remember correctly, I started taking on TVT and
9 TVT-O. And then as I progressed, then I moved into the
10 worldwide role which was more pipeline management, and
11 then after that into the group role where I had
12 responsibility for the -- for the portfolio.

13 Q All right. Let me break this down.

14 A Sure.

15 Q With regards to TVT, when did your
16 responsibility to oversee that device begin?

17 A You know, again, I don't -- I can't tell you
18 exact date or month. I'm guessing if I -- to the best
19 of my recollection, probably sometime in 2006. I
20 don't -- I don't remember the exact dates. It's been a
21 long time.

22 Q As a product director, you began to have
23 responsibility for the TVT in sometime around early
24 2006?

25 A Again, to the best of my recollection. I can't

1 give you an exact, firm date.

2 Q As a product director in Ethicon, when did you
3 first have responsibility to oversee the TVT-O?

4 A Again, probably during that time. 2006ish.
5 I don't -- I don't really remember the exact dates.

6 Q Did you ever have responsibility to oversee the
7 TVT Secur?

8 A I did not. I did not have personal
9 responsibility for overseeing TVT Secur.

10 Q Let's just do something for the record.

11 MR. SLATER: Do we have the witness's CV handy
12 that we can just put a sticker on it, put an exhibit
13 sticker on?

14 MR. MIRACLE: Adam, this is Trent, we've got a
15 copy. We can do that.

16 MR. SLATER: Terrific, thank you. You guys can
17 just tell me what number we put on it.

18 MS. MAIMBOURG: It's getting marked right now.

19 (Extraneous discussion re exhibit marking.)

20 MR. SLATER: Can we give it to the witness,
21 please, the marked exhibit?

22 MS. MAIMBOURG: He has it.

23 BY MR. SLATER:

24 Q Mr. St. Hilaire, we've marked an Exhibit as
25 T2063, is that your current resume?

1 A Looks -- yeah. Looks fairly current.

2 (The above-referred to document was marked
3 Deposition Exhibit No. T2063 for identification
4 by the Court Reporter, and a copy is attached
5 hereto.)

6 BY MR. SLATER:

7 Q Well, have you looked at this before this
8 moment, say in the last week?

9 A I can't -- I don't remember looking at my
10 resume this week, but yeah, this is a fair
11 representation, this is my resume, yes.

12 Q Look, sir. Is this your current resume, the
13 exhibit we've just marked as T2063?

14 A Yes.

15 Q Okay. Did you prepare for this deposition?

16 A How do you mean?

17 Q Did you meet with lawyers and prepare for
18 your -- for this deposition?

19 A I did.

20 Q How many times?

21 A We met via conference call once, and then we
22 met in person once.

23 Q How long did the conference call last?

24 A To the best of my recollection, two, three
25 hours, roughly three hours, I believe.

1 Q How long did the in-person meeting last?

2 A About eight hours.

3 Q When did the conference call take place?

4 A If I remember, I think it was last Friday, last
5 Thursday or Friday. I think it was Friday.

6 Q The in-person eight-hour meeting, when did that
7 take place?

8 A Yesterday.

9 Q Did you meet with counsel this morning to
10 prepare for the deposition as well?

11 A Very briefly.

12 Q How long?

13 A 15 minutes.

14 Q One of the things you did was -- rephrase.

15 You were the U.S. launch leader for the
16 Prosima; correct?

17 A That's correct.

18 Q And what was your responsibility as U.S. launch
19 leader for the Prosima?

20 A To work with the functional groups around the
21 commercialization plan for the Prosima product. So
22 basically working with all the functional areas,
23 regulatory, Q/A, et cetera, on what the plans would be
24 to eventually launch that product into market.

25 Q And what was the commercialization plan for the

1 Prosima in simple terms? What was that plan?

2 A Can you be more specific? Just the over --

3 I just want to make sure I'm following -- I'm following
4 your question.

5 Q I want to know the overview for how you
6 commercialized and promoted and marketed the Proxima.
7 What was the -- what was the need that it was supposed
8 to be meeting and how was it supposed to be meeting that
9 need.

10 A Okay. So to the best of my recollection, the
11 product was designed to be a product that you would --
12 you would market to pelvic floor repair surgeons
13 that had another option for them doing their pelvic
14 floor repair surgeries. It was a mesh implant
15 with -- to best of my memory, with a -- with a device
16 that was held in place in the vagina and it was
17 marketed to pelvic floor surgeons as another option for
18 them to do their pelvic floor repairs.

19 Q Was the Proxima marketed with the idea that it
20 would be an option for surgeons who were not generally
21 skilled enough to utilize the Prolift?

22 A To the best of my recollection, it was a
23 product that was designed for surgeons who wanted to use
24 mesh and perhaps weren't -- weren't going to use Prolift
25 in the near future, from the best of my recollection.

1 Q That had not been using the Prolift based on
2 the fact that their skill set was such that that was
3 something that was not really a viable option, so your
4 company came out with Prosima with the idea this could
5 be a little easier to use and more attractive; correct?

6 A I wasn't there when Prosima was launched. So
7 in the early -- from the best of my recollection, the
8 plan was to launch it to pelvic floor surgeons as
9 another option for them to use instead of native tissue
10 repair or the Prolift product.

11 Q Was the Prosima targeted to less skilled
12 surgeons than those that would be using the Prolift?

13 A I just -- I want to understand what you mean
14 by less skilled.

15 Q Surgeons whose skill set would not allow them
16 to safely and effectively utilize the Prolift?

17 A I don't -- I mean I can't speak to their skill
18 set, but I can speak to the fact that I think that -- my
19 recollection is that product was designed for surgeons
20 who perhaps didn't want to use Prolift at the time,
21 for either perhaps they didn't have the -- perhaps they
22 didn't have enough pelvic floor cases that they were
23 doing routinely, and perhaps they weren't ready to move
24 to Prolift, and so this was another option for them to
25 address the -- the need, the patient need.

1 Q On your resume it says you were global launch
2 leader next generation pelvic floor mesh. Is that the
3 Prolift+M?

4 A That's correct.

5 Q As product director, did you have
6 responsibility for the Prolift?

7 A I did when I was a product director. Later in
8 my tenure as product director, I had responsibility for
9 Prolift.

10 Q When did your responsibility for Prolift begin?

11 A I don't recall the exact date, it was, you
12 know, just judging on the time that I was -- as a
13 product director and marketing director, probably was
14 late -- later -- later in 2006. I don't remember the
15 exact date, to be honest.

16 Q Sometime in 2006 you began to have
17 responsibility for the Prolift?

18 A That sounds reasonable.

19 Q And what were your responsibilities with regard
20 to the Prolift?

21 A So I -- my responsibility for Prolift was sales
22 support, managing the brand, the marketing collaterals,
23 KOL engagement, typically the -- the downstream
24 component -- component of being a brand manager
25 managing, forecasting, those kind of things.

1 Q In 2006 you were a product director within the
2 marketing department of Ethicon; correct?

3 A Correct.

4 Q And it was during 2006 that you began to have
5 responsibility for the Prolift; correct?

6 A To the best of my recollection.

7 Q And your responsibilities included such things
8 as sales support, managing the brand, overseeing
9 marketing collaterals, key opinion leader engagement,
10 downstream components and forecasting; correct?

11 A Best of my recollection, yes.

12 Q In November 2007, your title changed from
13 product director and marketing director worldwide to
14 U.S. group marketing director; correct?

15 A Correct.

16 Q What were your responsibilities as U.S. group
17 marketing director?

18 A So I had responsibility for the continence
19 health platform as well as the pelvic floor platform,
20 and so I had a marketing team that reported in to me
21 that managed those brands.

22 Q Who did you report to during that time period?

23 A To two different people, I reported to Kevin
24 Mahar and then subsequently I reported to Lynn Hall.

25 Q As U.S. group marketing director, when you say

1 you were responsible for the continence health platform
2 and the pelvic health platform, what does that mean?

3 A I had a team that reported to me that managed
4 the brands that fell within continence health. So the
5 brands that fell within continence health were the TVT
6 family of brands and the pelvic floor side was Prolift.

7 Q So the marketing teams that were responsible
8 for the marketing of the TVT line of products, those
9 marketing people, the product directors, for example,
10 reported to you; correct?

11 A That's correct.

12 Q As U.S. group marketing director from
13 November 2007 to November 2008, there was a group of
14 marketing people, product directors who were responsible
15 for the Prolift device and the marketing of that device
16 and they reported to you; correct?

17 A That's correct.

18 Q What I'd like to do and try and see if you can
19 help me out, I think we got a little organized, I'd like
20 to mark as an exhibit a document that -- the first email
21 is February 6, 2007, from Kevin Mahar. The Bates number
22 on the first page is ETH.MESH 00719198, if we could mark
23 that as the next exhibit, please.

24 (The above-referred to document was marked

25 Deposition Exhibit No. T2064 for identification